



**BOARD OF ADJUSTMENT
NOTICE OF DECISION**

Date: September 11, 2014
File No.: VAR2014 0017

William Heumann
6000 Thane Road
Juneau, AK 99801

Application For: A Variance to reduce two side yard setbacks from 10' to 0' for a new covered parking deck.

Legal Description: USS 1504 FR

Property Address: 11435 and 11445 Glacier Highway

Parcel Code No.: 4-B23-010-5-007-0 and 4-B23-010-5-008-0

Hearing Date: September 9, 2014

The Board of Adjustment, at its regular public meeting, adopted the analysis and findings listed in the attached memorandum dated August 28, 2014, with the following additions:

Variance Criterion #1 Finding – The Board finds that Criterion #1 is met. The relaxation requested is not exactly similar to other projects in the area but would give substantial relief to the owner who is trying to do a project that will provide benefit to the public. Approval of the variance should cause no injustice to other property owners in the area because the project is designed to meet unmet needs and there are no similar projects in this area.

Variance Criterion #2 Finding – The Board finds that Criterion #2 is met because revisions to the design address staff's concerns about light and air circulation. The Board finds that a fully covered carport parking lot that protects tenants from the weather and that provides safe access in all weather, is in the interest of public safety and welfare.

Variance Criterion #5c Finding – The Board finds that Criterion #5c is met. The type of clientele (elderly/disabled/mobility challenged) that this projects is intended to serve, needs safe and adequate access from parking area to the door of their residence. Denial of the variance will make it unreasonably expensive for the applicant and future owners to provide year-round, safe and comfortable access to the dwellings.

Variance Criterion #6 Finding – The board finds that criterion #6 is met. The granting of the variance will enable the applicant to build a fully covered parking facility designed to provide safe, all-weather access for building tenants. This type of facility represents a clear benefit to the community that outweighs any perceived detriments that might result from not having the required setback for the structure.

Further, the Board APPROVED the Variance to be conducted as described in the project description and project drawings submitted with the application with the following conditions:

1. Prior to the issuance of a Building permit, the applicant shall submit a site plan, and if needed, a narrative, showing/ describing how the snow will be managed on site, including snow from the roof. If snow will be partially managed on adjacent property, the applicant shall submit a recorded easement addressing snow management.
2. Prior to the issuance of a Building permit, the applicant shall submit documentation that will ensure the foundation of the parking deck and building will not be eroded by water run-off along both side property lines.
3. For the Building permitting process, a surveyor shall verify all yard setbacks for the Foundation Setback Verification Form.
4. Prior to Final Certificate of Occupancy, the applicant shall submit an as-built survey showing the parking deck, building and roof eaves all consistent with submitted plans.
5. Prior to Final Certificate of Occupancy, the applicant shall record an access and maintenance easement and submit a copy to the CBJ. This document shall address shared maintenance of the parking deck, roof and any retaining walls that cross the shared property line. The access easement shall be delineated on the Bay View site and afforded to the owners of Cannery Cove. The easement shall also address any drainage that crosses the shared lot line.

Attachment: August 28, 2014, memorandum from Eric Feldt, Community Development, to the CBJ Board of Adjustment regarding VAR2014 0017

This Notice of Decision does not authorize construction activity. Prior to starting any development project, it is the applicant's responsibility to obtain the required building permits.

This Notice of Decision constitutes a final decision of the CBJ Board of Adjustment. Appeals must be brought to the CBJ Assembly in accordance with CBJ §01.50.030. Appeals must be filed by 4:30 P.M. on the day twenty days from the date the decision is filed with the City Clerk, pursuant to CBJ §01.50.030 (c). Any action by the applicant in reliance on the decision of the Board of Adjustment shall be at the risk that the decision may be reversed on appeal (CBJ §49.20.120).


Effective Date: The permit is effective upon approval by the Board, September 9, 2014

Expiration Date: The permit will expire 18 months after the effective date, or March 9, 2016, if no Building Permit has been issued and substantial construction progress has not been made in accordance with the plans for which the development permit was authorized. Application for permit extension must be submitted thirty days prior to the expiration date.

Project Planner:


Eric Feldt, Planner
Community Development Department


Michael Satre, Chair
Planning Commission


Elizabeth M. Jones
Filed With City Clerk Deputy Clerk

9/11/2014
Date

cc: Plan Review

NOTE: The Americans with Disabilities Act (ADA) is a federal civil rights law that may affect this development project. ADA regulations have access requirements above and beyond CBJ-adopted regulations. Owners and designers are responsible for compliance with ADA. Contact an ADA-trained architect or other ADA trained personnel with questions about the ADA: Department of Justice (202) 272-5434, or fax (202) 272-5447, NW Disability Business Technical Center (800) 949-4232, or fax (360) 438-3208.